



23 NOV 2005

Sughrue Mion, PLLC
2100 Pennsylvania Avenue, NW
Suite 800
Washington, DC 20037-3213

In re Application of
Nihei et al.
Application No.: 10/511,626
PCT No.: PCT/JP03/04924
Int. Filing Date: 17 April 2003
Priority Date: 17 April 2002
Attorney Docket No.: Q84237
For: Image Display Device

DECISION

This is with regard to the petition under 37 CFR 1.182 filed on 27 June 2005.

BACKGROUND

This international application was filed on 17 April 2003, designated the United States, and claimed an earliest priority date of 17 April 2002. Accordingly, the 30 month time period for paying the basic national fee in the United States expired at midnight on 18 October 2004 (since 17 October 2004 was a Sunday). Applicants filed *inter alia* the basic national fee on 18 October 2004.

On 01 March 2005, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed to applicants, requiring the submission of an oath or declaration in compliance with 37 CFR 1.497(a) and (b) and a surcharge under 37 CFR 1.492(e).

On 02 May 2005, applicants filed a response, including a declaration and the \$130.00 surcharge.

On 25 May 2005, a Notification of Defective Response (Form PCT/DO/EO/916) was mailed to applicants, indicating that the declaration filed on 02 May 2005 was defective because "The first names of inventors 2,3, and 4 are entirely different than those which are printed on the IA..."

DISCUSSION

Inspection of the declaration of the inventors filed on 02 May 2005 reveals that it names three joint inventors, Hajime KITANO, Koji TAGAKI, and Gaku YAKUSHIJI, whose names do not appear in the published international application, and inspection of the published international application reveals that it lists three joint inventors, Sou KITANO, Mitsuharu TAGAKI, and Manabu YAKUSHIJI, whose names do not appear in the declaration filed on 02 May 2005. It is noted that the first name of inventor TAKAGI has been changed from "Mitsuharu" to "Koji" on the declaration document. In that these discrepancies are clearly more than a mere typographic error or phonetic misspelling of applicant's name, a proper petition under 37 CFR 1.182 is required to resolve this matter.

Applicants filed such a petition (and the associated \$400.00 petition fee) on 27 June 2005. Petitioner states that each of the discrepancies in the names of the inventors arose "as an incorrect translation" from Japanese to English, and that the individuals named in the declaration are the same individuals as those nominated in the published international application. On the basis of all of the evidence now of record, it would be appropriate to accept the declaration as filed on 02 May 2005.

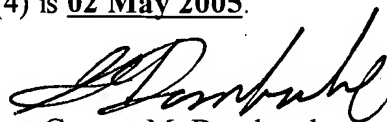
CONCLUSION

The petition is **GRANTED**.

This application is being forwarded to the National Stage Processing Branch for further processing. Its date under 35 U.S.C. 371(c)(1), (2) and (4) is **02 May 2005**.



Leonard Smith
PCT Legal Examiner
PCT Legal Office



George M. Dombroske
PCT Legal Examiner
PCT Legal Office
Tel: (571) 272-3283
Fax: (571) 273-0459